

REMARKS

By the above actions, claims 1 & 13 have been amended, claim 13 merely having been placed in independent form by the incorporation of claim 1 with the indefiniteness of claim 1 being corrected. Additionally, a replacement sheet of drawings with a revised Fig. 2 in which the claimed control means has been schematically depicted, thereby obviating the objection to the drawings which should now be withdrawn. In view of these actions and the following remarks, further consideration of this application is requested.

The Examiner's indication of allowable subject matter with respect to claims 13-15 has been noted with appreciation and based thereon, claim 13 has been placed in allowable independent form with the indefiniteness of incorporated claim 1 and the antecedent basis problem of claim 13 corrected. Therefore, formal allowance of these claims is requested.

With regard to the rejection of claims 1-17 under 35 USC § 112, in view of the amendments to claims 1 & 13, this rejection should now be withdrawn.

Claims 1-6, 8-12, 16 & 17 have now been rejected under 35 USC § 103 as being unpatentable over the combined teachings of the Dohrendorf and Jensen et al. References while claim 7 has been rejected based on this combination of references when viewed in further combination with the newly cited Carey reference. These rejections are inappropriate and should be reconsidered for the following reasons.

First, the Dohrendorf machine uses two pivotable belt conveyors that are spaced apart with the pivot arm 32 and rocking arm 34 necessary to prevent the fish falling through between the conveyors 391, 392 which "yield downwardly against the force of a spring") being located between them. Thus, the conveyors 391, 392 do not have "adjacent edges ... in proximity to each other so that the conveying belt surfaces of the conveyors collectively form a substantially U- or V-shaped configuration" as claimed by the present applicant's, but rather have a U-shape that is formed collectively by the conveyors 391, 392 together with the pivot arm 32 and rocking arm 34. It is also noted that the conveyors 391, 392 have a cross-sectional configuration that varies between an angled configuration with sloping walls in the area of angled rollers 393, 394, at the upstream end, and one with upright walls in the area of rollers 395, 396 that rotate "about nearly parallel axes 332 and 342" at the downstream end so that the cross-sectional shape defined by the conveying surfaces of the conveyors 391, 392 is not V- or U-shaped at least at the downstream end of conveyors 391,

392, even if the presence of pivot arm 32 and rocking arm 34 between them is not considered to create a U-shaped cross section that is not formed collectively by the conveying surfaces. This is in contrast to the V- or U-shaped cross section formed solely by the conveying surfaces of the conveyors in accordance with the present invention.

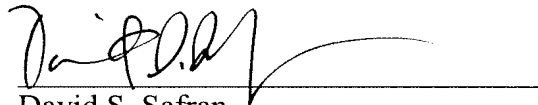
Additionally, the Dohrendorf patent, like the Ketels patent it replaces, is a fish processing station having a rail-like structure (bone, rib and vertebra guides 51, 55, 57, respectively) that internally supports the fish being processed; see, especially Figs. 4 & 5. The conveyors to which the Examiner makes reference are located upstream of the bone, rib and vertebra guides 51, 55, 57 with the fish being moved along these guides by a pair of conveyors 6. As noted in the paragraph spanning pages 2 & 3 of the present application, the present invention is designed to provide reliable portion cutting of of varied food items "such as pork, beef, or fish" with it being "ensured in simple manner that the items are kept stationary relative to the conveyors during the processing" since as noted in the last paragraph of page 1, "to ensure a uniform cutting of the products in predetermined portion types or sizes, it is important that the products do not move on the conveyor once the shape of the product is registered by the vision system," i.e., the scanning means (6) of claim 1.

However, as noted in applicant's prior response, Jensen's scanner 7 is located above his second conveying unit 3a, 3b, not between it and the first conveyor 2 and the same is true for Carey's scanner 37; although, the scanner 45 is located between a pair of Carey's conveyor, such a location is not feasible in Dohrendorf for the reasons noted below. Furthermore Jensen's and Carey's scanners require the scanned item to be maintained in a constant orientation relative to the scanning directions (horizontal product positions relative to vertical scanning beams) to obtain an accurate topographic measurement, but the necessary tilting characteristic of Dohrendorf's conveyors would make reliable scanning impossible. Moreover, because the "back guide 36 ... together with the conveyor belts 391 and 392 biases the fish downwards so that the fish 8 is directed towards the belly filleting knives 42 with its backbone or vertebral column at the desired height and is engaged by the conveyors 6 in the correct position," it is not possible for the scanning to be performed between the conveyors 6 and the conveyors 391, 392 due the presence of the back guide 36 and belly filleting knives 42 at this location and the fact that the fish will be moving and its shape will be changing as the backbone or vertebral column is being cut out.

Therefore, not only is the proposed combination of the Dohrendorf and Jensen references, with or without Carey, is not only unobvious, but is not achievable in any feasible manner and cannot result in device corresponding to that claimed. Accordingly, reconsideration and withdrawal of the § 103 rejections based upon these references is in order and is again requested.

While this application should now be in condition for allowance, in the event that any issues should remain after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for that purpose. In this regard, one of the inventors intends to come to Washington, DC for purposes of discussing this application with the Examiner, such that, should this application not be found to be in condition for allowance, the Examiner is requested to defer issuance of another Office Action until such an interview can be conducted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David S. Safran', is written over a horizontal line.

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